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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,630	09/26/2001	Philippe Gentric	PHFR 000100	9728

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EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/963,630	Applicant(s) GENTRIC, PHILIPPE	
	Examiner Kyung Hye Shin	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,9,15,16,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9, 15, 16, 21, 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 7/11/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. This application was filed on **9-26-2001**. Claims **1, 5, 9, 15, 16, 21, 22** are pending. Claims **2 - 4, 6 - 8, 10 - 14, 17 - 20** have been cancelled. Independent claims are **1, 16**.

Response to Arguments

3. Applicant's arguments filed 7/11/2008 have been fully considered but they are moot based on new grounds of rejections.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

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form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1, 5, 9, 15, 16** are rejected under 35 U.S.C. 102(e) as being anticipated by **Rodriquez et al.** (US Patent No. **7,373,650**).

Regarding Claim 1, Rodriquez discloses a receiver of data originating from many programs, the receiver comprising:

an input device for receiving a plurality of programs simultaneously; (col 2, ll 58-61: DHCT (input device) where each tuner can select one of a plurality of transmission channels (receive multiple programs); col 2, line 65: tune simultaneously)

a plurality of program receiving devices coupled to the input device; (col 2, ll 58-66: DHCT (input device) includes a plurality of tuners (receiving devices), to tune simultaneously to multiple channels and content; col 18, ll 24-28: DHCT (input device) which includes the usage of multiple tuners (receiving devices))

a controller operatively coupled to each of the plurality of program receiving devices, the controller controlling the plurality of program receiving devices to respectively tune to contiguous programs in the plurality of programs; (col 11, ll 9-12: CPU 110 (controller) controls the functions of the DHCT; col 2, ll 58-61: DHCT where each tuner (program receiving devices) can select one of a plurality of

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transmission channels (contiguous programs): col 18, lines 24-28: the use of multiple tuners (receiving devices); each of which receives a respective transmitted signal (channels))

a reproduction device for reproducing programs; (col 14, ll 24-29: output port to drive a VCR (program reproduction unit))

a switch coupled to respective outputs of the plurality of program receiving devices, and to an input of the reproduction device, the switch being controlled by the controller to apply the output of one of the plurality of program receiving devices to the reproduction device; (col 10, lines 55-60: after a tuner selects a transmission channel input data is forwarded to hardware 114 (switch) comprising circuitry for processing incoming signals; col 3, ll 57-63: DHCT; plurality of tuners; an output port for transmission of each of the respective transmission channels)

a user interface coupled to the controller for selectively displaying a listing of programs to which the plurality of program receiving devices are tuned, in which a central program in the listing corresponds to the program currently being displayed on the reproduction device; (col 12, l 55 - col 13, l 2: window manager for display of video pictures and program information)

a user control for incrementally selecting a next desired program to be displayed from the listing of programs (col 28, ll 25-28: remote control (user control) to scroll the channels),

wherein each time the user control increments by one program to a

next desired program to be displayed from the listing of programs, the controller

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controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the lowest program in the listing to tune to the next higher program of the plurality of programs to be included in the listing (col 20, ll 9-22: presentation achieves perceived animated scroll; col 20, ll 34-41; col 20, ll 46-65: increasing channel line-up order; or decreasing line-up order; col 28, ll 44-52: order can be increasing (or decreasing) line-up order; either clockwise or counter clock wise; subscriber effecting navigation: each scrolling event results in removal of a presented set from the screen and the introduction of a new set), and

each time the user control decrements by one program to a next desired program to be displayed from the listing of programs, the controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in the listing to tune to the next lower program of the plurality of programs to be included in the listing. (col 20, ll 9-22: presentation achieves perceived animated scroll; col 20, ll 34-41; col 20, ll 46-65: increasing channel line-up order; or decreasing line-up order; col 28, ll 44-52: order can be decreasing (or increasing) line-up order; either clockwise or counter clock wise; subscriber effecting navigation: each scrolling event results in removal of a presented set from the screen and the introduction of a new set)

Regarding Claim 5, Rodriquez discloses the receiver as claimed in claim 1, characterized in that the plurality of programs comes from the Internet. (col 3, ll 21-24:

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receive data representative of other types of data (Internet); col. 7, lines 31-33:
channels may carry television signals, Internet data)

Regarding Claim 9, Rodriquez discloses the receiver as claimed in claim 1, wherein each of the plurality of program receiving devices processes a program received from the input device. (col 3, ll 12-16: can view multiple television stations and program content simultaneously; col 15, ll 5-9: displayed with moving pictures of one or more programs)

Regarding Claim 15, Rodriquez discloses the receiver as claimed in claim 1, wherein the user interface causes the controller to rotate the program from one of the program receiving devices to another of the program receiving devices. (col 27, ll 34-38; col 28, lines 25-28: subscriber can scroll the channels through the use of a remote control)

Regarding Claim 16, Rodriquez discloses a method comprising the steps of:

receiving a plurality of programs; (col 3, ll 12-16: can view multiple television stations and program content simultaneously; col 15, ll 5-9: displayed with moving pictures of one or more programs)

providing, simultaneously to each of a plurality of receiving devices, a respective one of the plurality of programs; (col 2, ll 58-66: DHCT includes a plurality of tuners (receiving devices), to tune simultaneously to multiple channels and content; col 18, ll 24-28: DHCT (input device) which includes` the usage of multiple tuners (receiving

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devices)) and

providing an output from one of the receiving devices to a reproduction element in response to a user selecting one of the programs already being provided to the one of the plurality of receiving devices (col 14, ll 24-29: output port to drive a VCR (program reproduction unit)),

wherein the providing an output step includes the sub-steps of:

causing the plurality of receiving devices to respectively tune to contiguous programs in the plurality of programs; (col 2, ll 58-61: DHCT where each tuner (program receiving devices) can select one of a plurality of transmission channels (contiguous programs): col 18, lines 24-28: the use of multiple tuners (receiving devices); each of which receives a respective transmitted signal (contiguous programs, channels))

displaying a listing of programs to which the plurality of receiving devices are tuned in which a central program in the listing corresponds to the program currently being displayed; (col 28, ll 44-52: picture-in-picture display of program information and currently tuned TV station)

enabling a user to each time increment by one program in the listing to a next program to be displayed, while causing the receiving device tuned to the lowest of the programs in the listing to tune to the next higher program of the plurality of programs; (col 20, ll 9-22: presentation achieves perceived animated scroll; col 20, ll 34-41; col 20, ll 46-65: increasing channel line-up order; or decreasing line-up order; col 27, ll 57-64: subscriber can scroll the channels; subscriber can add one new

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channel to one side of the screen and remove an already displayed channel on the opposite side of the screen; col 28, ll 44-52: order can be increasing (or decreasing) line-up order; either clockwise or counter clock wise; subscriber effecting navigation: each scrolling event results in removal of a presented set from the screen and the introduction of a new set) and

enabling a user to each time decrement by one program in the listing to a next program to be displayed, which causing the receiving device tuned to the highest program in the listing to tune to the next lower program of the plurality of programs. (col 20, ll 9-22: presentation achieves perceived animated scroll; col 20, ll 34-41; col 20, ll 46-65: increasing channel line-up order; or decreasing line-up order; col 28, ll 44-52: order can be decreasing (or increasing) line-up order; either clockwise or counter clock wise; subscriber effecting navigation: each scrolling event results in removal of a presented set from the screen and the introduction of a new set)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **21, 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rodriguez** in view of **Barrett et al.** (US Patent No. **6,005,597**).

Regarding Claim 21, Rodriquez discloses the receiver as claimed in claim 1, wherein the controller uses viewing preferences of a user. (col 12, ll 16-33: customize view by entering an interactive configuration session that results in preferences selection and storing such preferences) Rodriquez does not explicitly disclose generating a list of programs based on viewing preferences of a user. However, Barrett discloses wherein generating a list of programs from the plurality of programs based on viewing preferences of a user. (see Barrett col. 2, lines 17-22; col. 4, lines 5-10: user preferences used to generate list)

It would have been obvious to one of ordinary skill in the art to modify Rodriquez to generate a list of programs based on viewing preferences of a user as taught by Barrett. One of ordinary skill in the art would have been motivated to employ the teachings of Barrett in order to allow a television viewer to quickly and conveniently identify the available programs in which the viewer has the greatest interest and allowing the viewer to quickly select the program of greatest interest for viewing. (Barrett col. 2, lines 9-13: *" ... There is a need for a method and apparatus that allows a television viewer to quickly and conveniently identify the available programs in which the viewer has the greatest interest and that allows the viewer to quickly select the program of greatest interest for viewing...."*)

Regarding Claim 22, Rodriquez discloses the method as claimed in claim 16, wherein a list of programs based on viewing preferences of a user. (col 12, ll 16-33: customize

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view by entering an interactive configuration session that results in preferences selection and storing such preferences) Rodriguez does not explicitly disclose a list of programs to be generated based on viewing preferences of a user. However, Barrett discloses wherein a list of programs to be applied to the receiving devices is generated based on viewing preferences of a user. (see Barrett col. 2, lines 17-22; col. 4, lines 5-10: user preferences used to generate list)

It would have been obvious to one of ordinary skill in the art to modify Rodriguez for a list of programs to be generated based on viewing preferences of a user as taught by Barrett. One of ordinary skill in the art would have been motivated to employ the teachings of Barrett in order to allow a television viewer to quickly and conveniently identify the available programs in which the viewer has the greatest interest and allowing the viewer to quickly select the program of greatest interest for viewing. (Barrett col. 2, lines 9-13)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung Hye Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L. Dollinger can be reached on (571) 272 - 4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyung Hye Shin
Examiner
Art Unit 2143

KHS
September 22, 2008

/Tonia LM Dollinger/

Supervisory Patent Examiner, Art Unit 2143